

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DEBRA SPERO, as Natural Mother of
V.S., an infant,

Plaintiffs,

-against-

**ORDER TO SHOW CAUSE FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**
Civil Action No.: 3:17:cv-7 (GTS-DEP)

**VESTAL CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION, VESTAL CENTRAL SCHOOL
DISTRICT, JEFFREY AHEARN**, Superintendent of Schools,
ALBERT A. PENNA, Interim Principal Vestal
High School, **DEBORAH CADDICK, CLIFFORD
KASSON**, in their Individual and Official Capacities.

Defendants.

UPON the reading and filing of Plaintiffs' First Amended Complaint, the Declaration of V.S., dated the 3rd day of May, 2017, the Declaration of Debra Spero dated the 3rd day of May, 2017, the Declaration of Plaintiff's counsel, Willa S. Payne, dated the 8th day of May, 2017 with exhibits annexed thereto, and the Memorandum of Law, dated the 8th day of May, 2017, in support of plaintiff's application;

UPON notice being given to opposing counsel, Christopher Militello, Esq., by email on May 5, 2017, that a Temporary Restraining Order and Preliminary Injunction would be sought by Order to Show Cause, and that same relief not being granted by Defendants; it is hereby

ORDERED, that the Defendant show cause before a motion term of this Court, at the United States Courthouse for the Northern District of New York, at _____, New York, on the _____ day of _____, 2017 at _____ o'clock in the _____ noon, or as soon thereafter as counsel may be heard, why an order should not issue pursuant to Federal Rule of Civil Procedure 65 enjoining Defendants to:

- a. Immediately reinstate V.S. to instruction at Vestal High School;
- b. Provide an evaluation by the guidance office as to what courses are necessary for V.S. to earn his high school regents diploma;
- c. Provide V.S. with tutoring to assist him in bringing him up to date in his classwork and prepare him for his pending Regents Examinations;

and it is further

ORDERED, that pending a hearing and determination on this Order to Show Cause Defendants must re-instate V.S. to educational instruction at Vestal High School immediately; and it is further

ORDERED, that in the alternative, pending a hearing and determination on this Order to Show Cause Defendants must provide V.S. with all work missed to date in each of his classes along with a minimum of three hours of tutoring per day at a mutually agreeable location; and it is further

ORDERED, that defendants serve and file any opposition to the preliminary injunction on or before the ____ of _____, 2017; and it is further

ORDERED, that reply papers, if any, shall be filed on or before the ____ of _____, 2017.

Dated:

HON. GLENN T. SUDDABY
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF NEW YORK